

RULE 63 (37 CFR § 1.63)
DECLARATION
FOR PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled "DEGRADATION CONTROL OF ENVIRONMENTALLY DEGRADABLE DISPOSABLE MATERIALS", the specification of which including the Preliminary Amendment and Request for Interference Under 37 CFR §1.607 was filed on August 16, 1995, receiving Serial No. 08/515,696, and further identified as Attorney File No. 4042-29-1-1.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability in accordance with 37 CFR 1.56(a) and (b) as set forth on the attached sheet indicated Page 4 hereof and which I have read.

I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)		Priority Claimed
<u>Number</u> <u>Country</u>	<u>Day/Month/Year Filed</u>	<u>Yes</u> <u>No</u>

I hereby claim the benefit under 35 U.S.C. 120/365 of all United States and PCT international applications listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior applications in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information material to patentability in accordance with 37 CFR 1.56(a) and (b) which occurred between the filing date(s) of the prior application(s) and the national or PCT international filing date of this application:

	<u>Application</u> <u>Serial No.</u>	<u>Filing Date</u>	<u>Status: patented,</u> <u>pending, abandoned</u>
THIS APPLN IS A CON OF	07/949,675	09/22/92	PENDING
WHICH IS A CIP OF	07/579,000	09/06/90	PAT 5,216,050
AND A CIP OF	07/579,005	09/06/90	PAT 5,180,765
AND A CIP OF	07/579,460	09/06/90	PAT 5,252,642
AND A CIP OF	07/579,465	09/06/90	ABN
SAID	07/579,000	09/06/90	PAT 5,216,050
A CIP OF	07/387,676	07/31/89	ABN
WHICH IS A CIP OF	07/229,894	08/08/88	ABN
SAID	07/579,005	09/06/90	PAT 5,180,765
A CIP OF	07/387,678	07/31/89	ABN

WHICH IS A CIP OF	07/229,896	08/08/88	ABN
SAID	07/579,460	09/06/90	PAT 5,252,642
A CIP OF	07/386,844	07/31/89	ABN
WHICH IS A CIP OF	07/317,391	03/01/89	ABN
SAID	07/579,465	09/06/90	ABN
A CIP OF	07/387,670	07/31/89	ABN
WHICH IS A CIP OF	07/229,939	08/08/88	ABN
THIS APPLN IS ALSO A CIP OF	08/437,713	05/09/95	PENDING
WHICH IS A CON OF	07/580,526	09/11/90	ABN

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1) Inventor's Signature Donald M. Bigg Date Feb 23, 1996

Inventor's Name (typed): Donald M. Bigg

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2) Inventor's Signature Richard G. Sinclair Date Feb. 24, 1996

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3) Inventor's Signature Edward S. Lipinsky Date Feb 23, 1996

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4) Inventor's Signature John H. Litchfield Date Feb 23, 1996

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5) Inventor's Signature Billy R. Allen Date Feb 26, 1996

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37 CFR §1.56(a) and (b)
DUTY TO DISCLOSE INFORMATION MATERIAL
TO PATENTABILITY

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of a patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.*

*Note, 37 CFR §1.97(h) states: "The filing of an information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56(b)."